

Assembly Bill No. 2456

CHAPTER 196

An act to amend Sections 4017.1 and 5071 of the Penal Code, and to amend Section 219.5 of the Welfare and Institutions Code, relating to employment of offenders.

[Approved by Governor July 16, 2002. Filed with
Secretary of State July 17, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2456, Jackson. Employment of offenders.

Under existing law, prison inmates and persons confined in a county jail, industrial farm, road camp, or city jail, who have been convicted of specified offenses, may not be employed so that they have access to personal information of private individuals, as specified. Under existing law, wards of the juvenile court or the Department of the Youth Authority, who have been adjudicated as having committed any of these same specified offenses, are not permitted to perform any function that provides them access to personal information of private individuals, as specified. Under existing law, the personal information to which each of these inmates and wards is denied access is specified to include, but not be limited to, social security numbers, addresses, driver's license numbers, credit card numbers, and telephone numbers.

This bill would expand the list of specifically included types of personal information to which these parties are denied access by adding an array of identification and identity-related materials. It would also expand the prohibition on employment that permits access to this personal information to cover any person convicted of one of the specified offenses while that person is performing community service in lieu of a fine or custody.

The people of the State of California do enact as follows:

SECTION 1. Section 4017.1 of the Penal Code is amended to read:

4017.1. (a) Any person confined in a county jail, industrial farm, road camp, or city jail who is required or permitted by an order of the board of supervisors or city council to perform work, and who is described in subdivision (b), and any person while performing community service in lieu of a fine or custody who is described in subdivision (b), may not be employed to perform any function that provides access to personal information of private individuals,

including, but not limited to: addresses; telephone numbers; health insurance, taxpayer, school, or employee identification numbers; mothers' maiden names; demand deposit account, debit card, credit card, savings, or checking account numbers, PINs, or passwords; social security numbers; places of employment; dates of birth; state or government issued driver's license or identification numbers; alien registration numbers; government passport numbers; unique biometric data, such as fingerprints, facial scan identifiers, voice prints, retina or iris images, or other similar identifiers; unique electronic identification numbers; address or routing codes; and telecommunication identifying information or access devices.

(b) Subdivision (a) shall apply to a person who has been convicted of an offense described by any of the following categories:

- (1) An offense involving forgery or fraud.
- (2) An offense involving misuse of a computer.
- (3) An offense for which the person is required to register as a sex offender pursuant to Section 290.

(4) An offense involving any misuse of the personal or financial information of another person.

(c) Any person confined in a county jail, industrial farm, road camp, or city jail who has access to any personal information shall disclose that he or she is confined before taking any personal information from anyone.

(d) This section shall not apply to inmates in employment programs or public service facilities where incidental contact with personal information may occur.

SEC. 2. Section 5071 of the Penal Code is amended to read:

5071. (a) The Director of Corrections shall not assign any prison inmate described in subdivision (b) to employment that provides that inmate with access to personal information of private individuals, including, but not limited to: addresses; telephone numbers; health insurance, taxpayer, school, or employee identification numbers; mothers' maiden names; demand deposit account, debit card, credit card, savings, or checking account numbers, PINs, or passwords; social security numbers; places of employment; dates of birth; state or government issued driver's license or identification numbers; alien registration numbers; government passport numbers; unique biometric data, such as fingerprints, facial scan identifiers, voice prints, retina or iris images, or other similar identifiers; unique electronic identification numbers; address or routing codes; and telecommunication identifying information or access devices.

(b) Subdivision (a) shall apply to a person who has been convicted of an offense described by any of the following categories:



- (1) An offense involving forgery or fraud.
- (2) An offense involving misuse of a computer.
- (3) An offense for which the person is required to register as a sex offender pursuant to Section 290.

(4) An offense involving any misuse of the personal or financial information of another person.

(c) Any person who is a prison inmate, and who has access to any personal information, shall disclose that he or she is a prison inmate before taking any personal information from anyone.

(d) This section shall not apply to inmates in employment programs or public service facilities where incidental contact with personal information may occur.

SEC. 3. Section 219.5 of the Welfare and Institutions Code is amended to read:

219.5. (a) No ward of the juvenile court or Department of the Youth Authority shall perform any function that provides access to personal information of private individuals, including, but not limited to: addresses; telephone numbers; health insurance, taxpayer, school, or employee identification numbers; mothers' maiden names; demand deposit account, debit card, credit card, savings or checking account numbers, PINs, or passwords; social security numbers; places of employment; dates of birth; state or government issued driver's license or identification numbers; alien registration numbers; government passport numbers; unique biometric data, such as fingerprints, facial scan identifiers, voice prints, retina or iris images, or other similar identifiers; unique electronic identification numbers; address or routing codes; and telecommunication identifying information or access devices.

(b) Subdivision (a) shall apply to a person who has been adjudicated to have committed an offense described by any of the following categories:

- (1) An offense involving forgery or fraud.
- (2) An offense involving misuse of a computer.
- (3) An offense for which the person is required to register as a sex offender pursuant to Section 290 of the Penal Code.

(4) An offense involving any misuse of the personal or financial information of another person.

(c) If asked, any person who is a ward of the juvenile court or the Department of the Youth Authority, and who has access to any personal information, shall disclose that he or she is a ward of the juvenile court or the Department of the Youth Authority before taking any personal information from anyone.



(d) Any program involving the taking of personal information over the telephone by a person who is a ward of the juvenile court or the Department of the Youth Authority, shall be subject to random monitoring of those telephone calls.

(e) Any program involving the taking of personal information by a person who is a ward of the juvenile court or the Department of the Youth Authority shall provide supervision at all times of the ward's activities.

(f) This section shall not apply to wards in employment programs or public service facilities where incidental contact with personal information may occur.

